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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

22 Cr. 321 (JMF)

6 ANAUNCIA ROGERS,

7 Defendant.

Plea

8 -----x
9 New York, N.Y.
10 July 20, 2023
11 2:30 p.m.

12 Before:

13 HON. JESSE M. FURMAN,

14 District Judge

15 APPEARANCES

16 DAMIAN WILLIAMS

17 United States Attorney for the
18 Southern District of New York

19 MATTHEW J. KING

20 Assistant United States Attorney

21 DONALD D. DUBOULAY

22 Attorney for Defendant

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1 (In open court; case called)

2 THE DEPUTY CLERK: Counsel, please state your name for
3 the record.

4 MR. KING: Good afternoon, your Honor. Matthew King
5 for the government.

6 THE COURT: Good afternoon, Mr. King.

7 MR. DUBOULAY: Good afternoon, your Honor. Donald
8 Duboulay for Ms. Rogers.

9 THE COURT: Good afternoon, Mr. Duboulay.

10 Good afternoon, Ms. Rogers.

11 All right. My understanding is Ms. Rogers is prepared
12 to change her plea and enter a plea of guilty to Count One of
13 the indictment 22 Cr. 321.

14 Is that correct, Mr. Duboulay?

15 MR. DUBOULAY: Yes, it is, your Honor. Thank you.

16 THE COURT: Before I accept your guilty plea, Ms.
17 Rogers, I need to ask you certain questions to ensure that you
18 are pleading guilty because you are in fact guilty and not for
19 some other reason, to ensure that you understand the rights
20 that you would give up by pleading guilty, and to ensure that
21 you understand the potential consequences of the guilty plea.

22 It is critical that you understand each question
23 before you give me an answer. So if there is any question you
24 don't understand, please let me know so that Mr. Duboulay or I
25 can explain it to you more fully. And if at any point you wish

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1 to speak with Mr. Duboulay, for whatever reason, just let me
2 know, and I am happy to give you however much time you wish to
3 speak with him.

4 Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: I will ask you to please rise and raise
7 your right hand so Ms. Smallman can administer the oath to you.

8 (Defendant sworn)

9 THE COURT: You may be seated.

10 You are now under oath, which means that if you answer
11 any of my questions falsely, you may be subject to prosecution
12 for the separate crime of perjury.

13 Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Can you tell me your full name, please.

16 THE DEFENDANT: Anauncia Ishun Rogers.

17 THE COURT: How old are you?

18 THE DEFENDANT: 27.

19 THE COURT: How far did you go in school?

20 THE DEFENDANT: I completed high school.

21 THE COURT: Have you ever been treated or hospitalized
22 for any mental illness?

23 THE DEFENDANT: No, sir.

24 THE COURT: Are you now or have you recently been
25 under the care of a doctor or a mental health professional,

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1 such as a psychiatrist or a psychologist?

2 THE DEFENDANT: No, sir.

3 THE COURT: Have you ever been treated or hospitalized
4 for any type of addiction, including drug or alcohol addiction?

5 THE DEFENDANT: No, sir.

6 THE COURT: Have you taken any medicine, pills, drugs,
7 or had any alcohol in the last 48 hours?

8 THE DEFENDANT: No, sir.

9 THE COURT: Is your mind clear today?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand what is happening here
12 today?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Mr. Duboulay, I assume you have discussed
15 this matter with Ms. Rogers?

16 MR. DUBOULAY: Yes, your Honor.

17 THE COURT: In your judgment, does she understand the
18 rights that she would be giving up by pleading guilty?

19 MR. DUBOULAY: She does.

20 THE COURT: In your judgment, is she capable of
21 understanding the nature of these proceedings?

22 MR. DUBOULAY: She is.

23 THE COURT: Does either counsel have any doubt as to
24 Ms. Rogers's competence to plead guilty at this time?

25 MR. KING: No, your Honor.

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1 MR. DUBOULAY: No, your Honor.

2 THE COURT: On the basis of Ms. Rogers's responses to
3 my questions, my observations of her demeanor here in court,
4 and the representations of counsel, I find that she is fully
5 competent to enter an informed plea of guilty at this time.

6 Ms. Rogers, have you received a copy of the indictment
7 containing the charge to which you intend to plead guilty?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Have you read it?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Have you discussed it with Mr. Duboulay?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Have you had enough time to discuss with
14 him the charge to which you intend to plead guilty and any
15 possible defenses to that charge? Did you have enough time?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Has he explained to you the consequences
18 of pleading guilty?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Are you satisfied with his representation
21 of you?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. Let me now explain to you
24 certain rights that you have. These are rights that you would
25 be giving up by pleading guilty. So it's important to

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1 understand each one, and if there is anything you don't
2 understand, please let me know so that Mr. Duboulay or I can
3 explain it to you more fully.

4 Under the Constitution and laws of the United States,
5 you have the right to plead not guilty to the charges in the
6 indictment.

7 Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: If you did plead not guilty, you would be
10 entitled to a speedy and public trial by a jury on those
11 charges.

12 Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: At that trial, you would be presumed to be
15 innocent and you would not have to prove that you were
16 innocent. Instead, the government would have the burden of
17 proving your guilt by competent evidence beyond a reasonable
18 doubt before a jury could find you guilty.

19 Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: In order to find you guilty, a jury of 12
22 people would have to agree unanimously that you were guilty.

23 Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: At that trial, and at every stage of your

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1 case, you would be entitled to the assistance of a lawyer, and
2 if you could not afford a lawyer, one would be appointed at
3 public expense, free of cost, to represent you.

4 Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: During a trial, the witnesses for the
7 government would have to come to court and testify in your
8 presence, and your lawyer would have an opportunity to
9 cross-examine those witnesses and object to any evidence
10 offered against you by the government. You would also have an
11 opportunity to present evidence on your own behalf, and you
12 would have the right to have subpoenas issued or other process
13 used to compel witnesses to come to court and testify in your
14 defense.

15 Do you understand all that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: At a trial, you would also have the right
18 to testify on your own behalf, but you would also have the
19 right not to testify, and if you chose not to testify, then
20 nobody, including the jury, could draw any inference or
21 suggestion of guilt from the fact that you did not testify.

22 Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Before a trial, you would have an
25 opportunity, if you have not waived it, to seek suppression or

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1 exclusion of any evidence that the government would use against
2 you at a trial.

3 Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: If you were convicted at a trial, you
6 would have a right to appeal that verdict and any pretrial
7 rulings that I have made in connection with your case.

8 Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: If you plead guilty, you would have to
11 give up your right not to incriminate yourself because I will
12 ask you questions about what you did and you will have to admit
13 and acknowledge that you are guilty as charged in order to
14 satisfy myself that you are guilty as charged.

15 Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: If you plead guilty and if I accept your
18 guilty plea, you will give up your right to a trial and the
19 other rights that we have discussed, other than your right to a
20 lawyer, which you keep whether or not you plead guilty, but
21 there will be no appeal with respect to whether you did or did
22 not commit the offense charged in Count One of the indictment
23 or with respect to whether the government could use the
24 evidence that it has against you.

25 Do you understand all that?

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1 THE DEFENDANT: Yes, sir.

2 THE COURT: In addition, I will enter a judgment of
3 guilty and sentence you on the basis of your plea, after I have
4 received a presentence report prepared by the United States
5 probation department and any submissions that I get from the
6 lawyer for the government and your lawyer.

7 Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Even now, as you are entering your plea,
10 you have the right to change your mind, to plead not guilty,
11 and to go to trial on the charges in the indictment.

12 Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you understand each and every one of
15 the rights that we have just discussed?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Are you willing to give up your right to a
18 trial and the other rights that I have explained to you?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand that you are charged in
21 Count One of the indictment with participating in a conspiracy
22 to traffic firearms -- that is, in violation of 18, U.S. Code,
23 Section 371, though the statute that prohibits the trafficking
24 of firearms is 18, U.S. Code, Section 922(a)(1)(A).

25 Do you understand that that is the charge?

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1 THE DEFENDANT: Yes, sir.

2 THE COURT: Mr. King, would you please state the
3 elements of the offense.

4 MR. KING: Yes, your Honor.

5 In order to prove the defendant guilty of Count One,
6 conspiracy to commit firearms trafficking, the government would
7 be required to prove three elements beyond a reasonable doubt:

8 First, that two or more persons agreed to do something
9 which federal law prohibits. Here, that is to engage in gun
10 trafficking, in violation of 18 U.S.C., Section 922(a)(1)(A);

11 Second, the defendant knew of the conspiracy and
12 willfully joined the conspiracy, and

13 Third, that at some time during the existence of the
14 conspiracy, or agreement, one of the members of the conspiracy
15 knowingly performed, in the Southern District of New York, one
16 of the overt acts charged in the indictment in order to
17 accomplish the purpose of the agreement.

18 The object of the conspiracy here is gun trafficking.
19 Gun trafficking has two elements:

20 First, that the defendant was not licensed to deal
21 firearms; and

22 Second, the defendant willfully engaged in the
23 business of dealing firearms.

24 Finally, your Honor, the government would be required
25 to prove by a preponderance of the evidence that venue was

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1 proper in the Southern District of New York. In this case, the
2 guns purchased by the defendant were trafficked to the Southern
3 District of New York.

4 THE COURT: All right. Thank you.

5 Ms. Rogers, do you understand that if you were to go
6 to trial, the government would have to prove that venue was
7 proper in this district -- Mr. King mentioned that at the very
8 end here -- that is, that something in connection with this
9 offense occurred in the Southern District of New York, but the
10 burden on that would be by a preponderance of the evidence.

11 Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Aside from that, the government would have
14 to prove, but beyond a reasonable doubt, the other elements
15 that Mr. King mentioned, the first three elements that he
16 mentioned.

17 Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Let me tell you now about the maximum
20 possible penalties for this crime. And by maximum, I mean the
21 most that could possibly be imposed upon you. It doesn't mean
22 that that is the sentence that you would receive, but you have
23 to understand that by pleading guilty, you are exposing
24 yourself to a combination of punishments up to the statutory
25 maximum.

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1 Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: First, the maximum term of imprisonment
4 for this crime is five years, which could be followed by up to
5 three years of supervised release.

6 Supervised release means that you would be subject to
7 supervision by the probation department, and there would be
8 rules of supervised release that you would be required to
9 follow, and if you violated any of those rules, you could be
10 returned to prison to serve additional time without a jury
11 trial and without credit for the time spent on your original
12 sentence or time spent on post-release supervision.

13 Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You should understand that there is no
16 parole in the federal system, which means that if you were
17 sentenced to prison, you would not be released early on parole.
18 There is a limited opportunity to earn credit for your good
19 behavior, but if you were sentenced to prison, you would have
20 to serve at least 85 percent of the time to which you were
21 sentenced.

22 Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: In addition to those restrictions on your
25 liberty, the maximum possible punishment also includes certain

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1 financial penalties.

2 First, the maximum allowable fine is the greatest of
3 \$250,000 or twice the gross pecuniary gain derived from the
4 offense or twice the gross pecuniary loss to someone other than
5 you as a result of the offense.

6 Second, I can order restitution to any person or
7 entity injured by virtue of your criminal conduct.

8 Third, I can order you to forfeit all property derived
9 from the offense and used to facilitate the offense.

10 And finally, I must order a mandatory special
11 assessment of \$100.

12 Do you understand that those are the maximum possible
13 penalties?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Are you a citizen of the United States,
16 Ms. Rogers?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand that if you were not a
19 citizen, that by pleading guilty you could expose yourself to
20 negative immigration consequences, including removal from the
21 United States and other immigration consequences?

22 Do you understand that if you were not a citizen, that
23 those are among the things that could happen?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand that as a result of your

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1 guilty plea, you may lose certain valuable civil rights in this
2 country, to the extent that you have them or could otherwise
3 obtain them now, such as the right to vote, the right to hold
4 public office, the right to serve on a jury, and the right to
5 possess any kind of firearm?

6 Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Are you being prosecuted in any other
9 court at this time or serving any other sentence at this time?

10 THE DEFENDANT: No, sir.

11 THE COURT: Do you understand that if Mr. Duboulay, or
12 anyone else for that matter, has attempted to predict what your
13 sentence will be in this case, that their predictions could be
14 wrong?

15 Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: It's important for you to understand that
18 no one, not your lawyer, not the lawyer for the government, no
19 one can give you any promise or assurance of what your sentence
20 will be in this case. And that's because your sentence will be
21 determined by me, and by me alone. I am not going to do that
22 today. Instead, I will wait until the United States probation
23 department prepares its presentence report. I will do my own
24 independent calculation of how the United States sentencing
25 guidelines apply to your case and consider any possible

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1 departures from the guidelines range. I will consider any
2 submissions I get from both the lawyers. And ultimately I will
3 consider the factors that govern sentencing that are set forth
4 in a statute, 18, U.S. Code, Section 3553(a).

5 Do you understand all that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Have you discussed all of that with Mr.
8 Duboulay?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Now, even if your sentence is different
11 from what Mr. Duboulay or anyone else has said that it might
12 be, even if it is different from what you would expect or hope
13 it to be, and even if it is different from what may be in the
14 plea agreement, you will still be bound by your guilty plea and
15 you will not be allowed to withdraw your plea.

16 Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Now, I understand that there is a written
19 plea agreement between you and the government in this case; is
20 that correct?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: I have an original plea agreement here,
23 dated July 18, 2023, from Mr. King and a colleague of his to
24 Mr. Duboulay.

25 I will mark this as Court Exhibit 1 and provide it to

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1 the government to retain in its possession after this
2 proceeding.

3 Turning to the last page, it looks like you signed
4 this dated today on that page. Is that your signature there,
5 if you could see it?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Before you signed the plea agreement, did
8 you read it?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Before you signed it, did you discuss it
11 with Mr. Duboulay?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Before you signed it, did he explain it to
14 you and answer any of your questions about the document?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Before you signed it, did you fully
17 understand it?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Now, one of the features of this agreement
20 is that you and the government agree on how the United States
21 sentencing guidelines apply to your case; is that correct?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You should understand that that agreement
24 is binding on you and it is binding on the government, but it
25 is not binding on me. I have my own independent obligation to

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1 determine the correct guidelines range. I am not suggesting
2 that I will calculate the range differently than you have
3 agreed, but I certainly could, and even if I did, you would
4 still be bound by your guilty plea and you would not be allowed
5 to withdraw your plea.

6 Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: In addition, in this agreement you admit
9 to the forfeiture allegation with respect to Count One of the
10 indictment and agree to forfeit to the United States all right,
11 title, and interest in certain property that is specified in an
12 order attached to the agreement.

13 Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you in fact admit to the forfeiture
16 allegation in the indictment?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Another feature of this agreement that I
19 want to bring to your attention is that you agree to waive, or
20 give up, your right to appeal any sentence that is within or
21 below the stipulated guidelines sentence of 60 months'
22 imprisonment, which is the maximum statutory sentence.

23 So, strictly speaking, whatever sentence I impose on
24 you, you would not have the right to appeal or challenge that
25 sentence in any other way.

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1 Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Does this written plea agreement
4 constitute your complete and total understanding of the entire
5 agreement between you and the government?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Has anything been left out of this written
8 plea agreement?

9 THE DEFENDANT: No, sir.

10 THE COURT: Other than what is written in here, has
11 anyone made any promise to you or offered you any inducements
12 to either plead guilty or to sign this agreement?

13 THE DEFENDANT: No, sir.

14 THE COURT: Has anyone threatened you or forced you to
15 plead guilty or to sign this agreement?

16 THE DEFENDANT: No, sir.

17 THE COURT: Has anyone made a promise to you as to
18 what your sentence will be in this case?

19 THE DEFENDANT: No, sir.

20 THE COURT: Ms. Rogers, I would like you now to tell
21 me in your own words what you did that makes you believe that
22 you are guilty of the crime charged in Count One of the
23 indictment.

24 THE DEFENDANT: During the period of September 2018
25 through March 2022, I knowingly and intentionally purchased

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1 firearms with an intent to sell them with my ex-husband, Ronald
2 Rogers, in the state of New York City. I am not a licensed
3 dealer in firearms. I made these purchases at the request of
4 my ex-husband.

5 THE COURT: When you did these things, did you
6 understand and know that the object and purpose was to engage
7 in the business of selling or dealing in firearms? Did you
8 understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Did you understand and know that you
11 didn't have a license to do that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Did you understand and know that by doing
14 this that you were doing something wrong and committing a
15 violation of the law?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Maybe you mentioned this, but where did
18 you bring these guns or sell them, somewhere in Manhattan or
19 the Bronx?

20 THE DEFENDANT: Out of state.

21 THE COURT: Where in New York, though?

22 THE DEFENDANT: Sir?

23 THE COURT: Did you sell them or did somebody bring
24 them to New York City?

25 THE DEFENDANT: Yes, sir.

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1 THE COURT: Where in New York City?

2 THE DEFENDANT: The whole New York.

3 He brought them to New York to sell them. I don't
4 know where. I just know it was in New York.

5 THE COURT: Mr. King, are you prepared to make a
6 proffer with respect to venue?

7 MR. KING: Yes, your Honor.

8 There were multiple firearms purchased by Ms. Rogers
9 that were recovered in Manhattan after the commission of crimes
10 that were seized. There is also evidence that Ms. Rogers sold
11 the firearms to other individuals in Manhattan.

12 THE COURT: Mr. Duboulay, any objection to that?

13 MR. DUBOULAY: No, your Honor.

14 THE COURT: You agree that would satisfy the venue
15 requirement?

16 MR. DUBOULAY: Yes, your Honor.

17 THE COURT: Mr. Duboulay, are you aware of any valid
18 defense that would prevail at a trial or any reason that Ms.
19 Rogers should not be permitted to plead guilty?

20 MR. DUBOULAY: No, your Honor.

21 THE COURT: Mr. King, are there any additional
22 questions that you would like me to ask of Ms. Rogers?

23 MR. KING: No, your Honor.

24 THE COURT: Would you please summarize briefly what
25 the government's evidence would be and what it would show if

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1 Ms. Rogers were to go to trial.

2 MR. KING: Yes, your Honor.

3 At trial, the government's evidence would consist of,
4 among other things:

5 Data from the defendant's iCloud and cell phone,
6 including text messages between the defendant and her
7 codefendant, Ronald Rogers, concerning the purchase of
8 firearms.

9 Data from her codefendant's icloud and cell phone,
10 including photos and videos of him, Ronald Rogers, possessing
11 guns that were purchased by the defendant as part of the gun
12 trafficking scheme, traveling to New York City, and also
13 possessing large amounts of cash.

14 There is cell site data showing her codefendant,
15 Ronald Rogers, traveling to New York City during the relevant
16 time period, which coincided with the times that firearms were
17 purchased by the defendant in Georgia.

18 There is video surveillance from federally licensed
19 firearms dealers in Georgia.

20 There is ATF Forms 4733 and other transaction receipts
21 for firearms purchased by the defendant during the conspiracy.

22 There is also physical evidence, including the seized
23 guns that were found at crime scenes here in Manhattan.

24 And there would also be testimony from an ATF agent
25 regarding the defendant's lack of a license to deal in

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1 firearms.

2 THE COURT: Do both counsel agree that there is a
3 sufficient factual basis for a guilty plea to Count One?

4 MR. KING: Yes, your Honor.

5 MR. DUBOULAY: I do, your Honor.

6 THE COURT: Do either counsel know of any reason that
7 I should not accept Ms. Rogers's plea of guilty?

8 MR. KING: No, your Honor.

9 MR. DUBOULAY: No, your Honor.

10 THE COURT: Ms. Rogers, because you acknowledge that
11 you are in fact guilty as charged in Count One of the
12 indictment, because I am satisfied that you know of your
13 rights, including your right to go to trial, and that you are
14 aware of the consequences of your plea, including the sentence
15 that could be imposed upon you, and because I find that you are
16 knowingly and voluntarily pleading guilty, I accept your guilty
17 plea and enter a judgment of guilty on Count One of the
18 indictment.

19 The probation department will want to interview you in
20 connection with a presentence report that it will prepare. If
21 you choose to speak with the probation department, you should
22 make sure that anything you say is truthful and accurate.
23 Among other things, that report is very important to me in
24 deciding what sentence to impose upon you. Before sentencing,
25 you and Mr. Duboulay will have an opportunity to review the

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1 report. I would urge you to review it with care and if you
2 find any mistakes in the report or anything that you wish to
3 bring to my attention in connection with sentencing, that you
4 share that with Mr. Duboulay so that he can share it with me in
5 turn.

6 Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Duboulay, do you wish to be present in
9 connection with any interview?

10 MR. DUBOULAY: I do, your Honor. Thank you.

11 THE COURT: I will direct the government to provide
12 the probation department with its factual statement of the
13 offense within seven days of the presentence report being
14 ordered.

15 Defense counsel must arrange for Ms. Rogers to be
16 interviewed by the probation department within two weeks of the
17 PSR being ordered. And I will order that no interview shall
18 take place unless counsel is present.

19 I will set sentencing for December 20 at 3 p.m.
20 Again, December 20 at 3 p.m.

21 In accordance with my individual rules and practices,
22 defense submissions with respect to sentencing are due two
23 weeks prior to the sentencing date, the government's submission
24 is due one week prior to the sentencing date. And if you think
25 there is any change to that that is warranted, you can file an

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1 appropriate letter motion.

2 Mr. King, any objection to Ms. Rogers's bail
3 conditions being continued through sentencing?

4 MR. KING: No, your Honor.

5 THE COURT: Ms. Rogers, the conditions upon which you
6 have been released to date will continue to apply until the
7 time that I impose sentence. It is absolutely critical that
8 you comply with those conditions. Number one, if you don't,
9 that could affect your release status pending sentence; and
10 number two, it would probably weigh very heavily in my decision
11 about what sentence to impose upon you. So for both of those
12 reasons, it is very important that you comply with all of the
13 conditions of your release.

14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: It's also important that you are here on
17 the date and time that I have set for sentencing. You should
18 check with Mr. Duboulay to make sure that if that date or time
19 changes, that you know about it and know where you need to be
20 and when. The bottom line is, if you are not here, then you
21 could be subject to punishment above and beyond whatever
22 punishment you receive in connection with your plea today.

23 Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Anything else from the government?

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1 MR. KING: No, your Honor. Thank you.

2 THE COURT: Mr. Duboulay.

3 MR. DUBOULAY: No, your Honor. Thank you.

4 THE COURT: All right. In light of that, the trial
5 that was to begin a week from Monday is canceled.

6 And with that, we are adjourned. Thank you very much.

7 (Adjourned)

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